

United States Bankruptcy Court
Southern District of New York

In re:

MARKETXT HOLDINGS CORP., ET. AL.,

Debtor

Bankruptcy Case No. 04-12078 (ALG)

ALAN NISSELSON, AS CHAPTER 11

TRUSTEE OF MARKETXT HOLDINGS CORP.,
AND THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORSB.C. 06.0165 U. S. DISTRICT COURT - DE
MISC. CASE # 06-78**Plaintiff**

v.

Adv. Proc. No. 05-01268 (ALG)

Defendant

**CERTIFICATION OF JUDGMENT FOR
REGISTRATION IN ANOTHER DISTRICT**

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
fed ex

2006 APR -7 AM 9:45

I, clerk of the bankruptcy court of this district do certify that the attached judgment is a true and correct copy of the original judgment entered in the above entitled proceeding on March 20, 2006 as it appears of record in my (date) office, and that:

- No notice of appeal from this judgment has been filed, and no motion of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Bankruptcy Rule 9024, has been filed.
- No notice of appeal from this judgment has been filed, and any motions of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Bankruptcy Rule 9024, have been disposed of, the latest order disposing of such a motion having been entered on _____ (date).
- An appeal was taken from this judgment, and the judgment was affirmed by mandate of the _____ (name of court) issued on _____ (date).
- An appeal was taken from this judgment, and the appeal was dismissed by order entered on _____ (date).
- An appeal was taken from this judgment, and the appeal is pending.

Attached is a certified copy of an Order approving registration of judgment in another district.

Kathleen Farrell-Willoughby

Clerk of the Bankruptcy Court

By: *Syja Blanks*

Deputy Clerk

3/23/2006

Date

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	
MarketXT Holdings Corp., et al.,	:	Chapter 11
Debtors.	:	Case No. 04-12078 (ALG)
<hr/>		
ALAN NISSELSON, as Chapter 11	:	U.S. DISTRICT COURT - DE
Trustee of MarketXT Holdings Corp., and the	:	MISC. CASE # 06 - 78
Official Committee of Unsecured Creditors,	:	
Plaintiffs,	:	Adv. Proc. No. 05-01268 (ALG)
-v.-	:	
EMPYREAN INVESTMENT FUND, LP,	:	
EMPYREAN GENERAL PARTNER, LLC,	:	
ASH MASTER FUND, LP, ASH MASTER	:	
FUND II, LLC, ASH MASTER FUND II,	:	
LP, ASH FUND LP f/k/a EMPYREAN	:	JUDGMENT AND ORDER
FUND LP, ASH FUND II LP, ASH	:	
CAPITAL, LLC f/k/a, ASH CAPITAL	:	
MANAGEMENT, ASH GENERAL	:	
PARTNER, LLC, ASH OFFSHORE	:	
FUND LTD, ASH GENERAL PARTNER	:	
OFFSHORE, LTD, RAUF ASHRAF,	:	BC 06.0165
and JOHN DOES 1 through 10,	:	
Defendants.	:	

On January 10, 2006, the Court having issued a Memorandum of Opinion finding Defendant Rauf Ashraf in civil contempt of an order of the Court and finding all Defendants, including Empyrean Investment Fund, LP, Empyrean General Partner, LLC, Ash Master Fund, LP, Ash Master Fund II, LLC, Ash Master Fund II, LP, Ash Fund LP f/k/a Empyrean Fund LP, Ash Fund II LP, Ash Capital, LLC f/k/a Ash Capital Management, Ash General Partner, LLC, Ash Offshore Fund Ltd. and Ash General Partner Offshore Ltd., and Rauf Ashraf in violation of an agreed stipulation made in open court; and on January 27, 2006 this Court having entered an order (the "Contempt Order"); and Defendants having failed to comply with their obligation



under the Contempt Order to restore \$6.7 million to the Restrained Funds (as defined in the Memorandum of Opinion); it is hereby

ADJUDGED that the Trustee is Plaintiffs are awarded judgment against Defendants, jointly and severally, in the amount of **six million seven hundred thousand dollars** (\$6,700,000) solely with respect to their noncompliance with the Contempt Order; and it is further

ADJUDGED that this judgment shall bear interest at the federal judgment rate from the date of its entry until the date it is fully satisfied; and it is further

ORDERED AND ADJUDGED that the Trustee may have execution on this Judgment and for good cause shown this judgment may be immediately registered in any other federal district pursuant to 28 U.S.C. § 1963.

Dated: New York, New York
March 20, 2006

/s/ Allan L. Gropper
HONORABLE ALLAN L. GROPPER
United States Bankruptcy Judge

I hereby attest and certify on March 23, 2006
that this document is a full, true and correct
copy of the original filed on the court's
electronic case filing system

Clerk, US Bankruptcy Court, SDNY

By: *Suzanne Blank* Deputy Clerk



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April 6, 2006

Peter T. Dalleo
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United States District Court, District of Delaware
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U. S. DISTRICT COURT - DE
MISC. CASE #

06 - 78

**Re: MarketXT Holdings Corp. et al..
Registration of Judgment
Our File No. 23024-0006**

Dear Mr. Dalleo:

I enclose a certified copy of the judgment entered on March 20, 2006 in the U.S. Bankruptcy Court, Southern District of New York in favor of Alan Nisselson, Chapter 11 Trustee of MarketXT Holdings Corp. against Empyrean Investment Fund *et al.*

This office respectfully requests the registration of the judgment in the District of Delaware.

I also enclose a check in the amount of \$39.00 in payment of the filing fee and a self-addressed pre-paid envelope for the return of a copy confirming registration.

Should you have any questions or require additional information, please do not hesitate to contact me at the above telephone number.

Very truly yours,

Cindy Gugg
Legal Assistant